

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FRANK DWIGHT CARTER,)	
)	
Plaintiff,)	
)	Case No. 4:10 CV 1253 RWS
v.)	
)	
MISSOURI BOARD OF PROBATION)	
AND PAROLE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

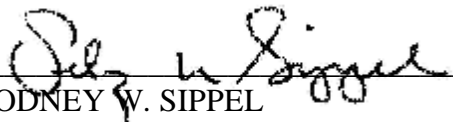
Plaintiff Frank Carter asserts that his rights have been violated by his being classified as a sex offender by the Defendants. Carter names the Missouri Board of Probation and Parole, Missouri Parole Officers Laura Birmingham and Matt Bochantin, Texas Board of Pardons and Paroles, and Rissie Owens of the Texas Board of Pardons and Paroles as Defendants. The Texas Board of Pardons and Parole filed a Motion to Dismiss Plaintiff's Complaint on September 13, 2010 [#15]. The Missouri Board of Probation and Parole, Birmingham and Bochantin filed a Motion to Dismiss Plaintiff's Complaint on October 7, 2010 [#19].

On January 10, 2010 I ordered Plaintiff to file an amended complaint. Plaintiff did so on January 26, 2010 [#25]. The Texas Board of Pardons and Parole filed a Motion to Dismiss Plaintiff's Amended Complaint on February 9, 2011 [#27] and the Missouri Board of Probation and Parole, Birmingham and Bochantin filed a Motion to Dismiss Plaintiff's Amended Complaint on February 18, 2011 [#29]. As a result, Defendants' Motions to Dismiss Plaintiff's Original Complaint are now moot.

Accordingly,

IT IS HEREBY ORDERED that Defendant Texas Board of Pardons and Parole's Motion to Dismiss [#15] and Defendants Missouri Board of Probation and Parole, Birmingham and Bochantin's Motion to Dismiss [#19] Plaintiff's Original Complaint are **DENIED** as moot without prejudice.

IT IS FURTHER ORDERED that Plaintiff shall file a response to Defendant Texas Board of Pardons and Parole's Motion to Dismiss Amended Complaint [#27] and Defendants Missouri Board of Probation and Parole, Birmingham and Bochantin's Motion to Dismiss Amended Complaint [#29] no later than **April 1, 2011**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of March, 2011.